



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Dmt
5-22-02

Attorney Docket No. 049441/0124

In re patent application of:

Masaru KATO, et al.

Serial No.: 09/695,423

Group Art Unit: 1652

Filed: October 25, 2000

Examiner: M. Rao

For: NOVEL TRANSFERASE AND AMYLASE, PROCESS FOR PRODUCING THE
ENZYMES, USE THEREOF, AND GENE CODING FOR THE SAME

FURTHER RESPONSE TO RESTRICTION REQUIREMENT

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MAY 22 2002

TECH CENTER 1600/2900

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the further Restriction Requirement dated April 18, 2002, applicants hereby elect, with traverse, the claims of Group I, claims 25-37 and 123-128, for prosecution in the subject application. A response is due on May 18, 2002, a Saturday, thus making the timely response date, Monday, May 20, 2002, which is within the statutory period. It is believed that no fee is due, but should a fee be due, please consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.18 from Account No. 19-0741.

REMARKS

Applicants note that the Office Action recites that claims 25-43 and 70-149 are pending in the application, however, in the breakout of the alleged different inventions into seven groups, claim 147 have not been placed into any of the seven groups. During a telephone conference with the Examiner, the Examiner stated that claim 147 should be included in Group VI. Claims 1-24 and 44-69 were previously canceled.

As argued in the previous response in regard to the restriction of the claims in Groups I and VI, the Examiner states that "[t]he polypeptides of group I and IV and the polynucleotides of groups III and VI, each comprise amino acid sequences and nucleotides sequences which are chemically unrelated, do not require each other for practice, have separate utilities, such as use of group I polypeptide to catalyze an amylase reaction...versus the use of polynucleotides in a hybridization reaction..." Based upon this premise, the Examiner contends that the groups have acquired separate status in the art and separate fields of search.